

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 12TH OCTOBER 2006 / 20TH ASWINA 1928

Bail Appl..No. 6045 of 2006()

AGAINST THE ORDER DATED / / IN LP 6/2000 IN
CP.35/1999 of J.M.F.C., SASTHAMCOTTA

CRIME NO.75/1998 OF SASTHANKOTTA POLICE STATION.
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PETITIONER/ACCUSED NO.6:

PRASANTH @ UNNI,
PALAVILA HOUSE, KOTTATHALAMURI, PUTHOOR,
KOTTARAKKARA.

BY ADV. SRI.ALEXANDER GEORGE

RESPONDENTS: STATE AND DEFACTO COMPLAINANT:

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
 2. STATION HOUSE OFFICER,
SASTHAMKOTTA POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 12/10/2006, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

J.M. JAMES, J.

Bail Application No. 6045 of 2006

Dated this the 12th October, 2006.

ORDER

Petitioner is before this Court under Section 438 Cr.P.C. for a pre arrest order, consequent on the issuance of nonailable warrant against him, in L.P.Case No.6/2000, on the file of the Judicial First Class Magistrate Court, Sasthamkotta, in Crime No.75/1998 of Sasthamkotta police station. The offence alleged against him and another is under Section 55(a) of the Abkari Act, for having possessed 97 packets of arrack, each packet containing 100 ml., carried in an auto rickshaw, on 11.3.1998. The petitioner, the second accused, was not available for arrest. The first accused was arrested and proceeded, according to the law, submits the prosecution.

2. Counsel appearing for the petitioner, however, submitted that the petitioner was in Gulf for employment, and is now intending to surrender before the court below.

3. In the above facts situation, I dispose of this application, directing the petitioner to surrender before the Judicial First Class Magistrate Court, Sasthamkotta, in C.P.No.35/1999 (L.P.No.6/2000), on 19.10.2006, at 11 A.M. The learned Magistrate shall hear the petitioner as well as the prosecution, and pass orders on merit, on the same day of surrender itself.

**J.M. JAMES,
JUDGE**

nj.